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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,886	06/28/2001	Mikio Aoki	109952	3026

25944 7590 08/26/2004

OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER

WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/892,886	AOKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Y Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                 | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ✓ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/18/2001</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-16 have been examined.
2. This action is responsive to the Supplemental Preliminary Amendment filed March 6, 2002.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boswell (US 5,559,933 A) in view of Stewart et al. (US 6,259,405 B1).

**INDEPENDENT:**

As per claims 1 and 9, Boswell teaches of a data output controller that is communicably connected, via a network, to a terminal that is possessed by a user and that issues a data print (output) request, and a plurality of output terminals that is distributed and installed at various locations to print (output) data, receives a data print

(output) request from the portable terminal, and outputs data regarding the data print (output) request to the output terminals (see abstract), the data output controller comprising: a storage device (see col.5, lines 4-8) that stores output terminal information regarding the output terminals for each of the output terminals (see Fig.19; col.8, lines 41-43; and col.22, lines 29-30); a selecting device that selects one of the plurality of output terminals (see col.4, lines 29-33); and an output device that outputs the data regarding the data print (output) request to the output terminal selected by the selecting device (see col.4, lines 50-57), the data print (output) request including search data necessary for the selecting device to select the output terminal (see col.4, lines 61-64), and the selecting device retrieving output terminal information from the storage device on the basis of the search data contained in the data print (output) request so as to select an output terminal considered to be the best suited for the user of the terminal to receive provided output data (see col.5, lines 4-12).

Boswell does not explicitly teach that the user terminal is a portable terminal. Stewart teaches of a portable user terminal (see abstract and Fig.1, #110). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Stewart within the system of Boswell by implementing portable client terminals attached to the data output controller because wireless networking devices (i.e. global positioning systems, personal data assistants, notebooks) have become more readily available (see Stewart: col.1, lines 28-33) and

with higher demand for such products and increased communication protocols and capabilities, such an implementation increases scalability and functionality.

**DEPENDENT:**

As per claims 2 and 10, Although Boswell teaches of further comprising: the output terminal information including data on an output terminal position to determine the location where the output terminal is installed (see col.7, lines 11-13 and 42-46), the search data including data (see claim 1 and 9 rejections above), he does not explicitly teach of a portable terminal position to determine the position of the portable terminal, and the selecting device retrieving output terminal position data from the storage device on the basis of data on a terminal position contained in the search data, to thereby select an output terminal considered to be the closest distance-wise or time-wise, taking the position of the portable terminal as a reference. Stewart teaches of a portable terminal position to determine the position of the portable terminal, and the selecting device retrieving output terminal position data from the storage device on the basis of data on a terminal position contained in the search data, to thereby select an output terminal considered to be the closest distance-wise or time-wise, taking the position of the portable terminal as a reference (see col.3, lines 58-60 and col.3, line 65 to col.4, line 6). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Stewart within the system of Boswell by implementing determining the position of the portable terminal, and selecting the closest output terminal within the data output controller because Stewart

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teaches that such an implementation allows the portable devices to send and receive information while at virtually any location although hard-wired links may not be available without having to wait to reach an office or other place with appropriate equipment (see col.1, lines 30-36 and 48-54).

As per claims 3 and 11, Boswell teaches of further comprising: the output terminal information including data on an output terminal position to determine a location where the output terminal is installed (see col.7, lines 11-13 and 42-46), the search data including data on a desired providing area that indicates a desired providing area, which is an approximate place where output data is desired to be provided (see col.4, lines 29-39), and the selecting device retrieving data on an output terminal position from the storage device on the basis of the data on a desired providing area included in the search data to thereby to select an output terminal located in an area specified by the data on a desired providing area (see col.4, line 50 to col.5, line 12).

As per claims 4 and 12, Boswell does not explicitly teaches of further comprising: the selecting device not performing search based on the data on a portable terminal position if the position specified by the data on a portable terminal position is not included in the area specified by the data on a desired providing area included in the search data. Stewart teaches of not performing search based on the data on a portable terminal position if the position specified by the data on a portable terminal position is not included in the area specified by the data on a desired providing area included in the search data (see col.26, lines 52-57). It would have been obvious to a

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person of ordinary skill in the art at the time the invention was made to employ the teachings of Stewart within the system of Boswell by implementing not performing search based on the data on a portable terminal position if the position specified by the data on a portable terminal position is not included in the area specified by the data on a desired providing area included in the search data within the data output controller because such an implementation saves processing power since the data output controller will not be able to service the request anyways.

As per claims 5 and 13, Boswell teaches of further comprising: the output terminal information including printing (output) format data indicating a data format that can be printed (output) by the output terminal among data formats of data regarding the data print (output) request (see col.20, lines 48-67), the search data including the printing (output) format data, and the selecting device retrieving printing (output) format data from the storage device on the basis of the printing (output) format data included in the search data, and selecting an output terminal associated with the printing format data (see col.4, line 50 to col.5, line 12).

As per claims 6 and 14, Boswell teaches of further comprising: the output terminal information including printing (output) specification data indicating the printing (output) specification of the output terminal (see col.20, lines 48-67), the search data including the printing (output) specification data, and the selecting device retrieving printing (output) specification data from the storage device on the basis of printing (output) specification data included in the search data, and selecting an output terminal



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associated with the printing (output) specification data (see col.4, line 50 to col.5, line 12).

As per claims 7 and 15, Boswell teaches of further comprising: the output terminal information including output terminal identifying data that identifies the output terminals (see col.7, lines 11-13), the search data including the output terminal identifying data, and the selecting device retrieving output terminal identifying data from the storage device solely on the basis of output terminal identifying data included in the search data, and selecting an output terminal that coincides with the output terminal identifying data (see col.4, line 50 to col.5, line 12).

As per claims 8 and 16, Boswell teaches of further comprising: the output device outputting output terminal information corresponding to an output terminal selected by the selecting device to the portable terminal (see claim 1 and 9 rejection above).

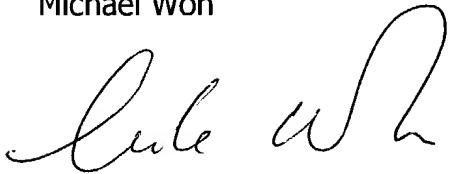
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won

A handwritten signature in black ink, appearing to read "Michael Won", with a stylized, cursive script.

August 19, 2004

A handwritten signature in black ink, appearing to read "Hosain Alam", with a stylized, cursive script.

HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER